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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/306,305	03/29/2001	Kenji Miharu	SPO-593	6732

7590 07/18/2003
Sherman & Shalloway
413 North Washington Street
Alexandria, VA 22314

EXAMINER

CHEN, VIVIAN

ART UNIT PAPER NUMBER

1773

DATE MAILED: 07/18/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/806,305

Applicant(s)

MIHARU ET AL.

Examiner

Vivian Chen

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6, 7 and 12-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-19 is/are allowed.
- 6) ☒ Claim(s) 6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 1773

DETAILED ACTION

1. Claims 1-5, 8-11 have been cancelled by Applicant.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 is vague and indefinite because it is unclear what the phrase "or an ethylene/unsaturated carboxylic acid/(meth)acrylic acid ester copolymer," in lines 13-15 relates to. It is unclear whether the phrase is merely a typographical error or whether Applicant is attempting to claim a third type of extrusion-lamination resin under subcategory (1) which is not limited in regard to its unsaturated carboxylic acid and (meth)acrylic acid ester contents.

In claim 6, the phrase "extrusion-lamination resin:" is unclear and confusing. The Examiner suggests that the colon be replaced by clearer language such as "composed of" or "comprising" or "comprises".

Claim Rejections - 35 USC § 102

4. The rejections under 35 U.S.C. 102(b) based on KELCH ET AL as set forth in paragraph 2 of the previous Office Action have been withdrawn in view of the cancellation of claims 1-2.

Claim Rejections - 35 USC § 103

5. The rejections under 35 U.S.C. 103(a) based on KELCH ET AL as set forth in paragraph 3 of the previous Office Action have been withdrawn in view of the cancellation of claims 1-2.

6. Applicant's arguments, see Paper #9, filed 4/21/2003, with respect to rejections under 35 U.S.C. 103(a) based on SMITH, JR, REES and ULLMANN'S have been fully considered and are persuasive. The rejection of claims 1-4, 6-11 has been withdrawn.

Allowable Subject Matter

7. Claims 12-19 are allowable over the prior art of record.
8. The following is a statement of reasons for the indication of allowable subject matter:
- The prior art of record fails to disclose or suggest a method of producing a laminated polyester film comprising the extrusion lamination of the recited ethylene/unsaturated carboxylic acid/(meth)acrylic acid ester copolymer or the recited blends thereof, wherein the extrusion lamination occurs at temperatures of 280-340°C, and wherein the extrusion-laminated layer has the recited unsaturated carboxylic acid content and (meth)acrylic acid ester content, in view of the showings in the specification with respect to the criticality of the extrusion lamination

Art Unit: 1773

temperature with regard to improved adhesion. Specifically, SMITH, JR and REES and the KELCH references fail to disclose the recited extrusion temperatures in combination with the recited resins.

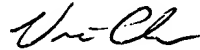
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivian Chen whose telephone number is (703) 305-3551. The examiner can normally be reached on Monday from 8:30 AM to 6 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau, can be reached on (703) 308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (for non-after finals) and (703) 872-9311 (for after-finals).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

July 13, 2003



Vivian Chen
Primary Examiner
Art Unit 1773